

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DIEHARD EXTERMINATING INC., ET AL.,

Plaintiffs,

-against-

DANIEL MUSTO,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/3/2022

No. 21 Civ. 07598 (CM)

ORDER

McMahon, J.:

I am advised that counsel for Defendant is ill and unable to appear at tomorrow's hearing. Obviously I cannot proceed until counsel recovers.

Counsel for Defendant has advised the Court of "available" dates for a hearing; counsel for Plaintiff has not responded to emails from the Court. But the parties forfeited their right to select a date convenient for them when they announced that they had settled the case one day before they were scheduled to present witnesses. From now on, it is only the Court's calendar that matters. And the Court's calendar says the hearing will take place at 10 AM on Thursday, January 27, in Courtroom 24A of the Daniel Patrick Moynihan United States Courthouse. The parties and their counsel must reschedule any other conflicting matters; they will default if they do not appear.

I will only be hearing cross examination, since the witnesses have already submitted witness statements giving their direct testimony. It is likely that a decision will be rendered from the bench.

Dated: New York, New York
January 3, 2022



U.S.D.J.

BY ECF TO ALL PARTIES